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TiVo Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AT&T INTELLECTUAL PROPERTY I, L.P. and  
AT&T INTELLECTUAL PROPERTY II, L.P.,

Plaintiffs,

v.

TIVO INC.,

Defendant.

**AMENDED STIPULATION  
CONCERNING THE COURT'S  
CASE MANAGEMENT  
SCHEDULING ORDER**

Case No. 4:10-CV-01059-SBA

TIVO INC.,

Counterclaim Plaintiff,

v.

AT&T INTELLECTUAL PROPERTY I, L.P. and  
AT&T INTELLECTUAL PROPERTY II, L.P.,

Counterclaim Defendants.

Case No. 4:10-CV-01059-SBA  
STIPULATION RE: SCHEDULING ORDER

**I. CORRECTIONS TO THE CASE MANAGEMENT SCHEDULING ORDER ARE CORRECT AND APPROPRIATE**

On June 24, 2010, the Court held an initial case management conference in the above-captioned case. The Court set a claim construction schedule based on the Local Patent Rules for the Northern District of California. Among the dates set by the Court were the following:

<b>Event</b>	<b>Dates Set By Court at Case Management Conference</b>
Infringement Contentions (Patent L.R. 3-1) due	July 8, 2010
Invalidity Contentions (Patent L.R. 3-3) due	August 23, 2010
Proposed Terms for Construction (Patent L.R. 4-1) due	September 7, 2010
Preliminary Claim Constructions (Patent L.R. 4-2) due	September 27, 2010
Joint Claim Construction and expert reports regarding claim construction due (Patent L.R. 4-3)	October 22, 2010

On July 1, 2010, the Court issued a Case Management Scheduling Order. Docket No. 34. However, the Case Management Scheduling Order sets forth dates for the events listed above that differ from the dates set by the Court at the initial case management conference. The dates set forth in the Case Management Scheduling Order are as follows:

Event	Dates Set By Court in Scheduling Order
Infringement Contentions (Patent L.R. 3-1) due	September 13, 2010
Invalidity Contentions (Patent L.R. 3-3) due	September 28, 2010
Proposed Terms for Construction (Patent L.R. 4-1) due	September 28, 2010
Preliminary Claim Constructions (Patent L.R. 4-2) due	October 18, 2010
Joint Claim Construction and expert reports regarding claim construction due (Patent L.R. 4-3)	November 12, 2010

These dates deviate significantly from the Local Patent Rules. For example, defendant's invalidity contentions are due fifteen days after plaintiffs' infringement contentions are served. Under the Local Patent Rules, defendant should have forty-five days in which to prepare its invalidity contentions. In addition, the parties' proposed terms for construction are due the same day as defendant's invalidity contentions. Under the Local Patent Rules, the parties should have fourteen days in which to identify their proposed terms for construction.

The other dates set by the Court (i.e., the dates that are not identified above) are correct. However, the Case Management Scheduling Order contains the following italicized language in the Deadline to Amend Pleadings Without Leave of Court: *"TiVo proposes that this deadline should not apply to inequitable conduct allegations (after this date it is necessary to obtain leave of Court to amend pleadings)."* Both parties agree that, in view of the Court's statements at the initial case management conference, this language should be stricken.

Counsel for the parties jointly contacted the Court regarding the incorrect dates and the italicized language in the Case Management Scheduling Order. The parties were told to file the

instant stipulation, requesting a correction of the Case Management Scheduling Order to reflect the dates set by the Court at the initial case management conference (in accordance with the Local Patent Rules) and removing the italicized language.

## II. STIPULATION

THEREFORE, THE PARTIES HEREBY STIPULATE, by and through their respective counsel, and respectfully request that the Court correct the Court's Case Management Scheduling Order as follows:

Event	Current Date	New Corrected Date
Infringement Contentions (Patent L.R. 3-1) due	September 13, 2010	July 8, 2010
Invalidity Contentions (Patent L.R. 3-3) due	September 28, 2010	August 23, 2010
Proposed Terms for Construction (Patent L.R. 4-1) due	September 28, 2010	September 7, 2010
Preliminary Claim Constructions (Patent L.R. 4-2) due	October 18, 2010	September 27, 2010
Joint Claim Construction and expert reports regarding claim construction due (Patent L.R. 4-3)	November 12, 2010	October 22, 2010
Deadline to amend pleadings without leave of Court.	December 17, 2010	December 17, 2010

1 DATED: July 8, 2010

Respectfully submitted,

2 BAKER BOTTS L.L.P.


3  
4 By: /s/ Kevin E. Cadwell  
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8  
9 By: /s/ Azar Mouzari  
Azar Mouzari  
Attorneys for Defendant and Counterclaim  
Plaintiff  
TiVo Inc.

12  
13 PURSUANT TO STIPULATION, IT IS SO ORDERED

14  
15 Date: 7/20/10

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Hon. Sandra B. Armstrong  
United States District Judge